

By: Representatives Eaton, Gibbs, Frierson,
Hamilton (109th), Holland, Martinson,
Middleton, Miles, Shows, Warren, Weathersby

To: Appropriations

HOUSE BILL NO. 1738
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING
2 THE EXPENSES OF THE STATE SOIL AND WATER CONSERVATION COMMISSION
3 FOR THE FISCAL YEAR 2005.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** The following sum, or so much thereof as may be
6 necessary, is hereby appropriated out of any money in the State
7 General Fund not otherwise appropriated, to the State Soil and
8 Water Conservation Commission for the purpose of defraying the
9 administrative expenses of the commission and carrying out the
10 provisions of Section 69-27-1 et seq., Mississippi Code of 1972,
11 for the fiscal year beginning July 1, 2004, and ending
12 June 30, 2005..... \$ 711,260.00.

13 **SECTION 2.** The following sum, or so much thereof as may be
14 necessary, is hereby appropriated out of any money in the special
15 fund in the State Treasury to the credit of the State Soil and
16 Water Conservation Commission which is comprised of special source
17 funds collected by or otherwise available to the commission, for
18 the purpose of defraying the expenses of the commission for the
19 fiscal year beginning July 1, 2004, and ending June 30, 2005.....
20 \$ 3,281,459.00.

21 **SECTION 3.** Of the funds appropriated under the provisions of
22 Section 1 and Section 2, not more than the amounts set forth below
23 shall be expended for the respective major objects or purposes of
24 expenditure:

25 MAJOR OBJECTS OF EXPENDITURE:

26 Personal Services:

27 Salaries, Wages and Fringe Benefits.. \$ 896,068.00

28	Travel and Subsistence.....	20,000.00
29	Contractual Services.....	763,686.00
30	Commodities.....	52,000.00
31	Capital Outlay:	
32	Other Than Equipment.....	0.00
33	Equipment.....	25,345.00
34	Subsidies, Loans and Grants.....	<u>2,235,620.00</u>
35	Total.....	\$ 3,992,719.00

36 FUNDING:

37	General Funds.....	\$ 711,260.00
38	Special Funds.....	<u>3,281,459.00</u>
39	Total.....	\$ 3,992,719.00

40 AUTHORIZED POSITIONS:

41	Permanent: Full Time.....	16
42	Part Time.....	0
43	Time-Limited: Full Time.....	3
44	Part Time.....	0

45 With the funds herein appropriated, it is the intention of
46 the Legislature that it shall be the agency's responsibility to
47 make certain that funds required to be appropriated for "Personal
48 Services" for Fiscal Year 2006 do not exceed Fiscal Year 2005
49 funds appropriated for that purpose, unless programs or positions
50 are added to the agency's Fiscal Year 2006 budget by the
51 Mississippi Legislature. Based on data provided by the
52 Legislative Budget Office, the State Personnel Board shall
53 determine and publish the projected annual cost to fully fund all
54 appropriated positions in compliance with the provisions of this
55 act. It shall be the responsibility of the agency head to insure
56 that no single personnel action increases this projected annual
57 cost and/or the Fiscal Year 2005 appropriation for "Personal
58 Services" when annualized, with the exception of escalated funds.
59 If, at the time the agency takes any action to change "Personal
60 Services," the State Personnel Board determines that the agency

61 has taken an action which would cause the agency to exceed this
62 projected annual cost or the Fiscal Year 2005 "Personal Services"
63 appropriated level, when annualized, then only those actions which
64 reduce the projected annual cost and/or the appropriation
65 requirement will be processed by the State Personnel Board until
66 such time as the requirements of this provision are met.

67 Any transfers or escalations shall be made in accordance with
68 the terms, conditions and procedures established by law or
69 allowable under the terms set forth within this act. The State
70 Personnel Board shall not escalate positions without written
71 approval from the Department of Finance and Administration. The
72 Department of Finance and Administration shall not provide written
73 approval to escalate any funds for salaries and/or positions
74 without proof of availability of new or additional funds above the
75 appropriated level.

76 No general funds authorized to be expended herein shall be
77 used to replace federal funds and/or other special funds which are
78 being used for salaries authorized under the provisions of this
79 act and which are withdrawn and no longer available.

80 **SECTION 4.** It is the intention of the Legislature that the
81 State Soil and Water Conservation Commission shall maintain
82 complete accounting and personnel records related to the
83 expenditure of all funds appropriated under this act and that such
84 records shall be in the same format and level of detail as
85 maintained for Fiscal Year 2004. It is further the intention of
86 the Legislature that the agency's budget request for Fiscal Year
87 2006 shall be submitted to the Joint Legislative Budget Committee
88 in a format and level of detail comparable to the format and level
89 of detail provided during the Fiscal Year 2005 budget request
90 process.

91 **SECTION 5.** The State Soil and Water Conservation Commission
92 is hereby authorized to retain all funds generated from the sale
93 of equipment. Any funds made available from the sale of equipment

94 shall be deposited into the special fund in the State Treasury to
95 the credit of the Soil and Water Conservation Commission and shall
96 be used solely for the purpose of purchasing equipment.

97 **SECTION 6.** The State Soil and Water Conservation Commission
98 is hereby authorized to receive, budget and expend any proceeds
99 derived from the sale of bonds authorized in Section 69-27-331 et
100 seq., Mississippi Code of 1972. All expenditures shall be in
101 accordance with conditions provided in Section 69-27-331 et seq.,
102 Mississippi Code of 1972.

103 **SECTION 7.** It is the intention of the Legislature that the
104 Soil and Water Conservation Commission shall have the authority to
105 escalate its budget and expend funds from any source not to exceed
106 Seven Hundred Fifty Thousand Dollars (\$750,000.00) in accordance
107 with rules and regulations of the Department of Finance and
108 Administration in a manner consistent with the escalation of
109 federal funds.

110 **SECTION 8.** Of the funds appropriated in Section 1, it is the
111 intention of the Legislature that an amount not to exceed
112 Sixty-five Thousand Dollars (\$65,000.00) be used for the purpose
113 of funding a Beaver Control Cost Share program. The Mississippi
114 Soil and Water Conservation Commission shall promulgate rules and
115 regulations for the establishment and operation of the program on
116 a fund matching basis with the county unit of government. Funds
117 not expended or encumbered in a county may be transferred to
118 another county during the fiscal year. Only those funds
119 specifically appropriated for the Beaver Control Cost Share
120 program shall be used in any such program.

121 **SECTION 9.** The money herein appropriated shall be paid by
122 the State Treasurer out of any money in the State Treasury to the
123 credit of the proper fund or funds as set forth in this act, upon
124 warrants issued by the State Fiscal Officer; and the State Fiscal
125 Officer shall issue his warrants upon requisitions signed by the
126 proper person, officer or officers, in the manner provided by law.

127 **SECTION 10.** This act shall take effect and be in force from
128 and after July 1, 2004.